THE HON'BLE SRI JUSTICE N.V. RAMANA

–

Writ Petition No. 24005 of 2002

and

W.P.M.P. No. 29473 of 2004

–

Dated: 17.02.2006

Between:

M. Babu, s/o M. Chowdanna
R/o Atmakur, Kurnool,
Kurnool District and others.

..... PETITIONER

AND

The Regional Manager, APSRTC., Kurnool region, Kurnool,

Kurnool District

.....RESPONDENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

-

Writ Petition No. 24005 of 2002

and

W.P.M.P. No. 29473 of 2004

-

Order:

The present writ petition is filed for the following relief.

> "To issue a Writ of Mandamus or any other appropriate Writ or direction declaring the action of the respondent in not appointing the petitioners as drivers in the vacancies belong to Scheduled Tribe Community as illegal and arbitrary and consequently to direct the respondent to appoint the petitioners as drivers in the existing vacancies belong to Scheduled Tribe Community without waiting for general recruitment."

The case of the petitioners is that in pursuance of the notification issued by the respondent-Corporation to fill-up backlog vacancies of drivers in Scheduled Tribe Community, the petitioners, who belong to Scheduled Tribe Community, applied for the same. On verification of driving licences and medical fitness certificates produced by the petitioners, the respondent-Corporation appointed them as drivers vide proceedings dated 05.08.1996. While so, the respondent-Corporation, vide proceedings No.E1 684(1) 1200-RM'o', dated 25.09.2000, removed the petitioners from service on the ground that the driving licences produced by them are not genuine. Thereafter, as per the instructions of the respondent-Corporation, the petitioners had submitted fresh driving licences, which were verified and found to be genuine by the respondent-Corporation. In spite of the same, the respondent-Corporation has not reinstated the petitioners into service. Hence, the present writ petition.

Initially the writ petition was admitted on 02.12.2002, and thereafter, this Court, vide orders passed in W.P.M.P. No. 30126 of 2002, dated 28.01.2003, directed the respondent-Corporation to consider the cases of the petitioners for the posts of drivers in the existing vacancies belong to Scheduled Tribe Community. Thereupon, the respondent-Corporation filed vacate stay petition in W.V.M.P. No. 2570 of 2003, and this Court, vide order dated 10.11.2003, observed thus.

> "The learned counsel for the respondent submits that in pursuance to the interim orders passed by this Court on 28.01.2003 in W.P.M.P. No.30126 of 2003, the petitioners are being continued in services.
>
> Under those circumstances, if the same is vacated, it will not serve any purpose. The W.V.M.P. is dismissed and the interim order is made absolute.
>
> Post the writ petition for final hearing after summer vacation."

Subsequent to passing of said orders, the respondent-Corporation filed a petition in W.P.M.P. No.29473 of 2004 seeking to recall the order passed in W.V.M.P. No. 2570 of 2003, dated 10.11.2003 stating that the order in W.P.M.P. No. 30126 of 2002, dated 28.01.2003, is only to consider the cases of the petitioners, but

during the course of hearing of the vacate stay petition it was inadvertently reported by the learned Standing Counsel for the respondent-Corporation that in pursuance of the interim orders passed by this Court on 28.01.203 in W.P.M.P. No. 30126 of 2003, the petitioners are being continued, and in fact, the petitioners were never continued in service.

Be that as it may, now the respondent-Corporation, vide proceedings No.L1/785(273)/02-RM.Q, dated 07.12.2004, passed orders admitting that the petitioners cases would be considered as and when fresh recruitment is taken up. For which, the learned counsel for the petitioners expressed his satisfaction.

Recording the said admission made by the respondent-Corporation, the writ petition and W.P.M.P. No. 29473 of 2004 are closed. No costs.

_____

N.V. RAMANA, J.

Date: 17.02.2006

Nsr/Ksr